

3 FAM 3330

DISPOSITION OF LEAVE BALANCES

(CT:PER-678; 06-22-2012)
(Office of Origin: HR/ER/WLD)

3 FAM 3331 AUTHORITY

(CT:PER-525; 03-29-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)
(Applies to Foreign Service & Civil Service Employees)

- a. 5 U.S.C. Chapter 63, Subchapter I.
- b. 5 CFR 630.501 et seq.

3 FAM 3332 TRANSFERS BETWEEN AGENCIES

3 FAM 3332.1 Annual Leave

3 FAM 3332.1-1 Under the Same Leave System

(CT:PER-525; 03-29-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)
(Applies to Foreign Service & Civil Service Employees)

When an employee is separated from a position under the leave laws and is reemployed in another position under those laws without a break in service, the annual leave account will be certified to the employing agency for credit or charge.

3 FAM 3332.1-2 Under Different Leave Systems

(CT:PER-525; 03-29-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)
(Applies to Foreign Service & Civil Service Employees)

When an employee transfers between positions under different leave systems without a break in service, the leave to the credit of the employee will be transferred to the employing agency on the basis that seven calendar days of leave equal five workdays of leave. The amount of leave permitted to be transferred should not exceed the aggregate amount of leave which employees in the agency to which transferred are permitted to accumulate. This provision does not apply to employees listed in section 3 FAM 3332.3.

3 FAM 3332.1-3 Partial Transfer of Annual Leave to a Different Leave System

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

When an employee transfers to a position under a different leave system to which only part of the annual leave can be transferred, the untransferred leave will be recredited if the employee returns to the leave system under which it was earned without a break in service of more than 52 continuous calendar weeks.

3 FAM 3332.1-4 Transfer to a Position Not Under an Annual Leave System

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

When an employee transfers to a position to which annual leave cannot be transferred because the position is not under an annual leave system, the employee may not be paid a lump-sum payment for annual leave. The untransferred leave will be recredited if the employee returns to the leave system in which it was earned without a break in service of more than 52 continuous calendar weeks. This provision does not apply to employees listed in section 3 FAM 3332.3.

3 FAM 3332.2 Sick Leave

3 FAM 3332.2-1 Under the Same Leave System

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

An employee's sick leave account will be certified for credit or charge when the employee transfers without a break in service between positions subject to the leave laws. If there is a break in service, the employee's sick leave will be recredited upon reemployment in the Federal service (see section 3 FAM 3334.2).

3 FAM 3332.2-2 Under Different Leave Systems

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

When sick leave is transferred between different leave systems, seven calendar days of leave are considered equal to five workdays of leave. Sick leave may not be transferred by employees listed in section 3 FAM 3332.3

3 FAM 3332.2-3 Partial Transfer of Sick Leave to a Different Leave System

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

When an employee transfers to a position under a different leave system, to which only a part of the sick leave can be transferred, the untransferred leave is reccredited if the employee returns to the leave system under which it was earned on or after December 2, 1994.

3 FAM 3332.2-4 Transfer to a Position Not Under a Sick Leave System

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

When an employee transfers to a position to which sick leave cannot be transferred, the untransferred leave will be reccredited if the employee returns to the leave system under which it was earned on or after December 2, 1994.

3 FAM 3332.3 Exceptions

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

Some provisions relating to the transfer of sick and annual leave do not apply to:

- (1) Part-time employees for whom there has not been established a regular tour of duty during the administrative workweek;
- (2) Temporary employees engaged in construction work at hourly rates; or
- (3) Employees of the Senate or House of Representatives.

3 FAM 3332.4 Home Leave

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

An employee's home leave account will be transferred or recredited to the account when the employee moves between agencies or is reemployed in the Federal service without a break in service in excess of 90 days.

3 FAM 3333 SEPARATIONS FROM THE FEDERAL SERVICE

3 FAM 3333.1 Lump-Sum Payments for Annual Leave Balances

3 FAM 3333.1-1 Who May Be Paid

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

An employee who has completed 90 calendar days of continuous employment under one or more appointments and who is separated from the Service for any reason except for death, (see section 3 FAM 3336), will be paid in a lump-sum for accumulated annual leave.

3 FAM 3333.1-2 What Is Included in the Lump Sum

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

a. The following are included in the lump sum:

- (1) Accumulated annual leave including the regular carry-over balance from the previous leave year, if any;
- (2) Accrued and unused annual leave during the then current leave year, if any; and

Any unused restored annual leave maintained in a separate account.

b. For detailed explanation of calculation of lump sum payment, please refer to 5 CFR 550.1205.

3 FAM 3333.2 Approval of Lump-Sum Payment

3 FAM 3333.2-1 Policy

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

Headquarters authorization is required for all lump-sum payments for annual leave for U. S. employees, including resident staff personnel with temporary appointments, separating from the Federal Service.

3 FAM 3333.2-2 Procedures

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

Agency: Applicable Procedures

- State: 3 FAH-1 H-3330, 4 FAM 530, and 4 FAH-1 530
- USAID: HB 27, Ch. 3
- BBG: ADS 480
- Commerce: Contact OFSHR

3 FAM 3333.3 Indebtedness for Unearned Annual or Sick Leave

3 FAM 3333.3-1 Policy

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

An employee who is indebted for unearned leave at the time of separation, should either refund the amount paid for the period of such leave or deductions will be made from the salary or any other amount due.

3 FAM 3333.3-2 Exceptions

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

A refund is not required when an employee is separated because of:

- (1) Death or retirement for disability;

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- (2) Inability to return to duty because of disability, (supported by an acceptable medical certificate); and
- (3) Entering active military service with restoration rights.

3 FAM 3334 TRANSFER TO AN INTERNATIONAL ORGANIZATION

3 FAM 3334.1 Leave Balances

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

- a. Employees who transfer with the consent of their agency to a public international organization with re-employment rights under 5 U.S.C. 3582, may elect to retain to their credit all accumulated and current accrued annual leave to which entitled at the time of transfer, which would otherwise be liquidated by lump-sum payment.
- b. On the request of an employee at any time before reemployment, payment will be made for all the leave retained.

3 FAM 3334.2 Lump-Sum Payments

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

- a. Lump-sum payments made to employees subject to the Annual and Sick Leave Act are made in accordance with 5 U.S.C. 5551.
- b. When an employee receives a lump-sum payment and re-employment occurs within six months following the date of the transfer, refund to the Federal agency of the amount of the lump-sum payment is required.

3 FAM 3335 RESTORATION OF LEAVE BALANCES AFTER APPEAL

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

Employees restored to a position because of an appeal should have the leave in their account at the time of separation certified for credit or charge. If a lump sum payment was made to the employee, it must be repaid immediately.

3 FAM 3336 DISPOSITION OF LEAVE BALANCES UPON DEATH

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

If an employee dies in service, the survivor(s) are entitled to payment for all accumulated and current accrued annual leave to the employee's credit at the time of death, limited to the amount the employee could have taken in kind had the employee lived and remained in the Federal Service (44 Comp. Gen.636). For State refer to 4 FAM 470 and USAID ADS 443, Special Assistance for Employees/Beneficiaries, and for BBG, refer to MOA, Part V-B, Section 687).

3 FAM 3337 PROCEDURES

(CT:PER-525; 03-29-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corp-USDA)

(Applies to Foreign Service & Civil Service Employees)

Procedures relating to the refund and recrediting of annual a sick leave may be found in 3 FAH-1 H-3330.

3 FAM 3338 THROUGH 3339 UNASSIGNED